

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,) 8:21-cr-00266-RFR
)
 Plaintiff,)
)
 vs.) **OBJECTIONS TO FINAL**
) **PRESENTENCE INVESTIGATION REPORT**
ANTHONY JAMES SCHLOTFELD,)
)
 Defendant.)

COMES NOW Defendant, Anthony James Schlotfeld, by and through undersigned counsel, and states as follows:

1. Defendant objects to the total amount of converted drug weight as applied in the Revised Presentence Investigation Report (“RPSR”). Specifically, in Paragraph 31, it is noted that on March 18, 2021, two separate baggies of methamphetamine were seized from Defendant. Purity testing was done on one of the baggies and applied to both. Defendant agrees with the United States that application of *United States v Long*, 532 F.3d 791 (8th Cir. 2008) is inappropriate to the facts of this case.

2. Defendant further objects to Paragraph 35 of the RPSR. The total amount of methamphetamine attributed to Defendant is 3,268 kilograms of converted drug weight. The vast majority of that attributable weight comes from the statement of Defendant wherein he told police that he threw “approximately” four pounds of methamphetamine out of his window. Based on this statement, a total of four pounds were included in the RPSR. However, because the total amount of attributable weight is near the 3,000 kilograms threshold, the parties agreed in the plea agreement that Defendant should be held responsible for 1,000 to 3,000 kilograms. Defendant respectfully asks the Court to follow the plea agreement between the parties.

Respectfully submitted,

ANTHONY JAMES SCHLOTFELD, Defendant,

By: /s/ Joshua W. Weir (#23492)
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CERTIFICATE OF SERVICE

I hereby certify that on December 5, 2022, I electronically filed the foregoing document which sent notice to the following:

Martin J. Conboy, IV, Assistant United States Attorney

Sandra Foster, U.S. Probation

/s/ Joshua W. Weir (#23492)